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Counsel for Defendant KENNEDY
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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,)	No. CR 12-00783 LHK
)	
11 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING DATE
12 vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
13 LEO JOSHUA KENNEDY,)	
)	
14 Defendant.)	
)	
15 _____)	

16 The defendant, Leo Joshua Kennedy, represented by Assistant Federal Public Defender
17 Diana A. Garrido, and the government, represented by Assistant United States Attorney Jeffrey
18 B. Schenk, hereby stipulate that, with the Court's approval, the status conference currently set
19 for Wednesday, February 13, 2013 at 9:00 a.m., shall be continued to Wednesday, March 20,
20 2013 at 9:00 a.m.

21 The continuance is requested to provide both defense counsel and the government with
22 additional time to review discovery and to negotiate an appropriate resolution. The continuance
23 would provide both parties with the reasonable time necessary for effective preparation.
24 Accordingly, both parties respectfully request that the time between February 13, 2013 and
25 March 20, 2013 be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
26 (B)(iv).

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Dated: February 11, 2013

STEVEN G. KALAR
Federal Public Defender

/s/
DIANA A. GARRIDO
Assistant Federal Public Defender

Dated: February 11, 2013

MELINDA HAAG
United States Attorney

/s/
JEFFREY B. SCHENK
Assistant United States Attorney

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~~PROPOSED~~ ORDER

Pursuant to agreement and stipulation of the parties, the Court HEREBY ORDERS that the time between February 13, 2013 and March 20, 2013 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 2/12/13



THE HONORABLE LUCY H. KOH
United States District Judge